

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PROFIT POINT TAX TECHNOLOGIES,
INC.,

Plaintiff,

v.

DPAD GROUP, LLP, JOHN MANNING
and DANIEL STEELE,

Defendants.

DPAD GROUP, LLP, JOHN MANNING
and DANIEL STEELE,

Counter-Plaintiffs,

v.

PROFIT POINT TAX TECHNOLOGIES,
INC. and PATRICK J. SWEET,

Counter-Defendants.

Case No. 2:19-cv-00698-WSS-MPK

Filed Electronically

**DEFENDANTS/COUNTER-PLAINTIFFS DPAD GROUP, LLP, JOHN MANNING
AND DANIEL STEELE'S MOTION FOR ATTORNEYS' FEES AND COSTS**

REED SMITH LLP

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*Counsel for Defendants/Counter-Plaintiffs
DPAD Group, LLP, John Manning,
and Daniel Steele*

Pursuant to Fed. R. Civ. P. 54(d), Defendant DPAD Group, LLP, John Manning, and Daniel Steele (“Defendants”) file this Motion for Attorneys’ Fees and Costs (the “Motion”) based on this Court’s entry of judgment in Defendants’ favor on Plaintiff Profit Point Tax Technologies, Inc.’s (“PPTT”) claims against Defendants in the First Amended Complaint (“FAC”). ECF No. 313. The February 2, 2016 Master Fee Splitting Agreement and Release of Claims (the “Release”) expressly provides for Defendants, as prevailing parties, to recover their reasonable fees and costs incurred in defending against the FAC. ECF No. 263-24 ¶ 15. Therefore, under Fed. R. Civ. P. 54(d), the Release, and Pennsylvania law, the Court should award Defendants \$976,710.37 in reasonable attorneys’ fees and costs that they incurred in defending against the FAC. Defendants reserve their rights under Fed. R. Civ. P. 54(d), the Release, and Pennsylvania law to pursue additional attorneys’ fees and costs following disposition of their Counterclaims.

WHEREFORE, for the foregoing reasons and those in the accompanying Brief in Support and Appendix of Evidence in Support, the Court should grant Defendants all of their reasonable attorneys’ fees and costs, amounting to a total of \$976,710.37 pursuant to Fed. R. Civ. P. 54(d), the plain language of the Release, and Pennsylvania law. Defendants reserve their rights to and intend to file a supplement to this Motion seeking the recovery of additional attorneys’ fees and costs invoiced since the last invoice for which Defendants seek recovery through this Motion.

Dated: March 13, 2023

REED SMITH LLP

/s/ Brad A. Funari

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*Counsel for Defendants/Counter-Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Brad A. Funari